

**CUSTODY AND/OR
PARENTING TIME
(formerly known as “VISITATION”)**

1

**To Make an Emergency
Change to an Existing
Court Order**

**Filing the Court Papers
(Forms Packet)**



SELF SERVICE CENTER

EMERGENCY CHANGE OF A COURT ORDER FOR CUSTODY AND/OR PARENTING TIME (Formerly known as “Visitation”)

PETITIONER OR RESPONDENT

ASKING THE COURT FOR THE EMERGENCY MODIFICATION (FORMS ONLY)

(Caution: you must also complete and file *“Petition to Modify Custody/Parenting Time”* to file for an emergency modification order)

How to assemble these documents

This packet contains court forms about filing for emergency modification orders. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRMCE1ft	Table of forms/instructions in this packet	1
2	DRMCE1k	Checklist to file	1
3	DRMCE11f	<i>“Petition for Emergency Order”</i>	3
4	DRMCE81f	<i>“Order to Appear on Petition for Emergency Modification of Child Custody, to Stop or Change Parenting Time,”</i>	2
5	DRMCE82f	<i>“Emergency Order “</i>	3

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SELF SERVICE CENTER

PETITION AND COURT PAPERS TO MAKE AN EMERGENCY MODIFICATION TO A PRIOR COURT ORDER

CHECKLIST

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✓ You already filed **or will file** at the same time you file the emergency paperwork, a ***“Petition to Modify Child Custody or Parenting Time”*** (formerly known as ***“Visitation”***), **AND**
- ✓ Someone is about to cause immediate and serious bodily harm to the child(ren), or the health, safety, and welfare of the child(ren) is in serious and immediate danger, **AND**
- ✓ You can give very specific facts about what the problem is, and why the judge needs to put your case ahead of everyone else who has been waiting for the judge, **AND**
- ✓ You are prepared to post a bond to pay for any costs this court action causes, if it turns out that what you said is not true, or the judge does not agree with you.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

PEOPLE INVOLVED. This Petition concerns the following people:

Name of Mother: _____

Name of Father: _____

Name of Other People: _____

Names of Children and their ages: _____

4. **PETITION TO MODIFY:** I filed on (date) _____ in the Superior Court of Arizona in Maricopa County a ***"Petition to Modify Custody and/or Parenting Time"*** and incorporated it by reference. I have attached a copy of it to the Judge's copy and the other party's copy of this Petition. (You cannot file this ***"Emergency Petition"*** unless you also file a ***"Petition to Modify Custody and/or Parenting Time"***).

5. **INFORMATION ABOUT OTHER EMERGENCY CASES INVOLVING THE PARTIES OR THE CHILDREN:** (Check the boxes that apply and then write in the information requested.)

☐ **Current emergency cases:** To my knowledge, there are no pending proceedings for emergency orders about the children in any other court. (If this is not a true statement, see a lawyer for help.)

☐ **Past emergency cases:** Either or both parties have filed for emergency court orders in the past. (If so, you must complete the following information; use additional paper if necessary:)

Names of Parties: _____

Date of order, judgment, dismissal, etc. _____

Explain what order or judgment said, or basis for dismissal: _____

Court Case Number _____

Location of court (city and state): _____

6. **ANY OTHER GOVERNMENT AGENCY INVOLVEMENT:** State whether there have been or are any complaints with or investigations by any government agency, including Child Protective Services, involving the parties or the children. If so, write in the name of the agency, date, type of case, and status of case right now. _____

7. **CRIMES OF EITHER PARTY:** Explain here if either parent or people involved with this Petition have been charged with committing a **dangerous crime** such as child molestation or domestic violence: _____

I MAKE THE FOLLOWING REQUESTS TO THE COURT:

1. **For an *"Emergency Order"*** (Check the boxes that apply)

☐ Awarding me Custody of the child(ren) until the Hearing;

☐ Stopping Parenting time of (name) _____ until the Hearing.

Case No. _____

☐ Changing Parenting time of (name) _____
until Hearing, as follows (explain): _____

☐ Other (explain): _____

2. **For a court hearing** when the parties can testify about the facts related to this Emergency Petition, so that the judge can decide whether to continue the terms of the Emergency Order, or to change the terms of the order I want to modify.
3. **For any other order** that is in the best interests of the minor children named above.

OATH AND VERIFICATION OF PERSON FILING EMERGENCY PETITION:

STATE OF ARIZONA)
County of Maricopa) ss.

I, being duly sworn and under oath, state that I have read this Petition and all the statements in the Petition are true and complete to the best of my knowledge and belief. I am not filing this Petition to harass or to cause unnecessary delay or to increase the cost of litigation. I understand that if the judge finds that I did file this Petition for an improper purpose, the judge may order contempt or another sanctions against me, including assessing me for any and all reasonable costs, attorney fees, or other expenses caused by my filing this Petition.

SIGNED: _____

SUBSCRIBED AND SWORN to before me this date: _____ by _____

My Commission Expires: _____

Notary Public or Clerk: _____

Name of Person Filing Document: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS Number (if applicable): _____
 Attorney Bar Number (if applicable): _____

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

 Name of Petitioner (in original case)

Case Number: _____

ORDER TO APPEAR ON PETITION FOR EMERGENCY MODIFICATION OF

- ☐ Child Custody
☐ To Stop or Change Parenting Time
☐ Other _____

 Name of Respondent (in original case)

This is an important Court Order that affects your rights. Read this Order carefully. If you do not understand this Order, contact a lawyer for legal advice.

Based on the Petition for Emergency Modification of a Court Order filed with the Court, and pursuant to Arizona law, **IT IS ORDERED:**

1. That Petitioner _____ and Respondent _____ appear at the time and place stated below so the Court can determine whether the Petition should be granted.

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF COURT HEARING: _____

LOCATION OF COURT HEARING: Maricopa County Superior Court

101 West Jefferson _____ Floor Phoenix, Arizona	201 West Jefferson _____ Floor Phoenix, Arizona	222 East Javelina _____ Floor Mesa, Arizona	14264 West Tierra Buena Lane _____ Floor Surprise, Arizona
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AMOUNT OF TIME FOR HEARING: This is a 15 minute proceeding with the court. The court will determine if more time is needed. All parties, whether represented by attorneys or not, must be present. If there is a failure to appear, the court may make such orders as are just, including granting the relief requested by the party who does appear.

2. At the hearing the judge will listen to the testimony from both parties and their witnesses and decide whether to grant the ***"Emergency Order,"*** or if an ***"Emergency Order"*** is already issued, whether to modify or revoke it, and whether any other orders should be entered. The judge may also decide which party will be ordered to pay the filing and other court fees caused as a result of the filing of the ***"Petition for Emergency Order."***

Case No. _____

3. The party who petitioned for this Order must serve by process server or sheriff on the other party a copy of the Petition for Emergency Order, a copy of this Order, and copies of any other documents upon which the Petition was based. The copies of the papers must be served at least _____ days before the hearing.
4. The responding party may file a ***“Response and Opposing Affidavit”***(s)” by _____(date)_. Copies of the ***“Response and Opposing Affidavit”***(s) must be served on the party who initiated the action, or if the initiating party is represented by an attorney, then on his or her attorney by mail and in accordance with Rule 5, Arizona Rules of Civil Procedure.

DONE IN OPEN COURT: _____

Judge/Commissioner of the Superior Court

Name of Person Filing Document: _____
 Your Address: _____
 Your City, State, Zip Code: _____
 Your Telephone Number: _____
 ATLAS Number (if applicable): _____
 Attorney Bar Number (if applicable): _____
 Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

Name of Petitioner (in original case) _____ Case Number: _____

EMERGENCY ORDER (check applicable boxes)

- ☐ Regarding Child Custody
☐ Stopping or Changing Parenting Time (formerly known as "Visitation")
☐ Other
☐ **WITHOUT NOTICE**
☐ **WITH NOTICE**

Name of Respondent (in original case) _____

THIS IS AN IMPORTANT COURT ORDER THAT AFFECTS YOUR RIGHTS. READ THIS ORDER CAREFULLY. IF YOU DO NOT UNDERSTAND THIS ORDER, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

THE COURT FINDS:

1. ☐ An **"Emergency Petition"** was filed on _____ by _____
☐ A **"Petition to Modify Custody and/or Parenting Time"** was filed on _____
 The court read the Petitions, took testimony as relevant, considered all matters, and issues an **"Emergency Order."**

2. The court has found that an emergency exists and this Order must be entered immediately to avoid irreparable harm for the following reasons:

- ☐ Someone is about to cause immediate and serious bodily harm to another person, **AND/OR**
☐ The health, safety, and welfare of a person is otherwise in serious and immediate jeopardy.
 as follows (describe): _____

3. **WITHOUT ADVANCE NOTICE. Applicable only if other party did not receive advanced notice:**

- ☐ Advance notice of this Order was not required to be given to the other party or his or her attorney or others entitled to prior notice because:
☐ The applicant tried with due diligence to give advanced notice to all parties but was unable OR
☐ Advanced notice is not required because to do so would result in immediate and irreparable injury, loss, or damage to the applicant and/or the child(ren).

Case No. _____

4. BEST INTEREST OF CHILD(REN). This Order is in the best interest of the following child(ren):

Name _____	Age _____
Name _____	Age _____
Name _____	Age _____

THE COURT ORDERS: (check boxes that apply)

1. ☐ **EMERGENCY CHILD CUSTODY** shall be awarded to as follows: _____

2. ☐ **EMERGENCY PARENTING TIME SHALL BE AS FOLLOWS:** _____

3. ☐ **OTHER EMERGENCY ORDERS:** _____

4. **THIS ORDER SHALL CONTINUE** until:
☐ (date) _____, **OR**
☐ **for Emergency Orders Without Notice** until (date) _____ unless
extended by the court, or by agreement between the parties in writing and filed with this court.

5. SERVICE AND NOTICE TO THE OTHER PARTY

☐ **A. NO NOTICE GIVEN PRIOR TO FILING PETITION:** The person who requested this Order shall personally serve or give actual notice to the other party by serving the following documents:

1. *"Petition for Modification of Custody and/or Parenting time"* and
2. *"Emergency Petition"* and
3. A copy of this *"Emergency Order"* and
4. A copy of the *"Order to Appear,"*
5. A copy of all other documents filed in support of or required by both Petitions. **OR,**

☐ **B. NOTICE GIVEN PRIOR TO FILING PETITION BUT OTHER PARTY FAILS TO APPEAR OR RESPOND.**

1. A copy of this *"Emergency Order"* and
2. A copy of the *"Order to Appear"* (if signed by the judge).

7. ☐ **BOND** in the amount of \$ _____ shall be posted by:
(name – except for the State of Arizona) _____
with the Clerk of the Court no later than (date/time) _____ as security
for the payment of costs and damages incurred by any party wrongfully ordered not to do
something according to this Order.

8. ☐ **IMPORTANT NOTICE TO THE PARTIES:** An “**Order to Appear**” has been entered for the judge to hear the testimony of both parties to this dispute, and to decide whether to extend, change, or cancel this Order. The person who asked for this “**Emergency Order**” is required to serve upon the other party, a copy of the “**Order to Appear.**” Be sure you know when the hearing is scheduled and come to the hearing. Failure to come could result in a civil arrest warrant being issued against you.

DONE IN OPEN COURT: _____
(Date and Time) Judge of the Superior Court